

AES:JN
F. #2020R00016

****FILED****

12:14 pm, Feb 04, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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U.S. DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. **1:21-cr-00065(DG)(VMS)**
(T. 18, U.S.C., §§ 982(a)(1), 982(b)(1),
1956(a)(1)(B)(i), 1956(h), 1957, 3238, 2
and 3551 et seq.; T. 21, U.S.C., § 853(p))

LUIS ENRIQUE MARTINELLI
LINARES and
RICARDO ALBERTO MARTINELLI
LINARES,

Defendants.

-----X

THE GRAND JURY CHARGES:

COUNT ONE

(Conspiracy to Commit Money Laundering)

1. In or about and between August 2009 and September 2015, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants LUIS ENRIQUE MARTINELLI LINARES and RICARDO ALBERTO MARTINELLI LINARES, together with others, did knowingly and intentionally conspire to commit offenses under Title 18, United States Code, Sections 1956 and 1957, to wit:

(a) to transport, transmit and transfer, and attempt to transport, transmit and transfer, monetary instruments and funds from a place in the United States to and through a place outside the United States and to a place in the United States from and through a place outside the United States with the intent to promote the carrying on of one or more specified unlawful activities, to wit: an offense against a foreign nation involving bribery of a

public official, in violation of the Penal Code of the Republic of Panama, contrary to Title 18, United States Code, Section 1956(a)(2)(A);

(b) to conduct and attempt to conduct financial transactions involving the proceeds of one or more specified unlawful activities, to wit: an offense against a foreign nation involving bribery of a public official, in violation of the Penal Code of the Republic of Panama, knowing that the property involved represented proceeds of some form of unlawful activity, and knowing that the transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership and control of the proceeds of the specified unlawful activity, contrary to Title 18, United States Code, Section 1956(a)(1)(B)(i); and

(c) to engage and attempt to engage in a monetary transaction in criminally derived property of a value greater than \$10,000, such property having been derived from one or more specified unlawful activities, to wit: an offense against a foreign nation involving bribery of a public official, in violation of the Penal Code of the Republic of Panama, contrary to Title 18, United States Code, Section 1957.

(Title 18, United States Code, Sections 1956(h), 3238 and 3551 et seq.)

COUNTS TWO AND THREE
(Money Laundering—Concealment)

2. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendants LUIS ENRIQUE MARTINELLI LINARES and RICARDO ALBERTO MARTINELLI LINARES, together with others, did knowingly and intentionally conduct, aid and abet, and caused to be conducted, and attempt to conduct a financial transaction representing the proceeds of one or more specified unlawful activities, to wit: an offense against a foreign nation involving bribery of a public official, in violation of the Penal Code of the Republic of Panama, knowing that the property involved represented proceeds of some form of

unlawful activity, and knowing that the transaction was designed in whole and part to conceal and disguise the nature, location, source, ownership and control of the proceeds of the specified unlawful activity, as follows:

Count	Approximate Date	Financial Transaction
TWO	November 12, 2013	Wire transfer of approximately \$899,978.32 from a bank in Switzerland, through a bank in New York, New York, to a bank in Switzerland
THREE	December 10, 2013	Wire transfer of approximately \$30,887.21 from a bank in Switzerland, through a bank in New York, New York, to a bank in Switzerland

(Title 18, United States Code, Sections 1956(a)(1)(B)(i), 3238, 2 and 3551 et seq.)

COUNTS FOUR AND FIVE
(Money Laundering—Spending)

3. On or about the dates set forth below, within the Eastern District of New York and elsewhere, the defendant LUIS ENRIQUE MARTINELLI LINARES, together with others, did knowingly and intentionally engage in, and aid, abet and cause others to engage in, and attempt to engage in a monetary transaction by, through and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of a value greater than \$10,000, such property having been derived from one or more specified unlawful activities, to wit: an offense against a foreign nation involving bribery of a public official, in violation of the Penal Code of the Republic of Panama, as follows:

Count	Approximate Date	Monetary Transaction
FOUR	February 11, 2013	Wire transfer of approximately \$346,500.00 from a bank in Switzerland, through a bank in New York, New York, to a bank in New Jersey
FIVE	August 26, 2015	Wire transfer of approximately \$570,000.00 from a bank in Switzerland, through a bank in New York, New York, to a bank in Florida

(Title 18, United States Code, Sections 1957, 3238, 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

4. The United States hereby gives notice to the defendants LUIS ENRIQUE MARTINELLI LINARES and RICARDO ALBERTO MARTINELLI LINARES that, upon their conviction of any of the offenses charged in Counts One through Five, the government will seek forfeiture in accordance with Title 18, United States Code, Section 982(a)(1), which requires any person convicted of such offenses to forfeit any property, real or personal, involved in such offenses, or any property traceable to such property, including, but not limited to, the following:

- (a) all funds held at Bank Vontobel AG in the name of Diamong Investments Corp., account no. 10.520976-6;
- (b) all funds held at Bank Vontobel AG in the name of Waterspoon International Ltd., account no. 10.328861-1; and
- (c) the real property, together with its respective appurtenances, improvements, fixtures, attachments, interest in common elements and easements, located at 495 Brickell Avenue, Unit 4701, Miami, Florida, 33131.

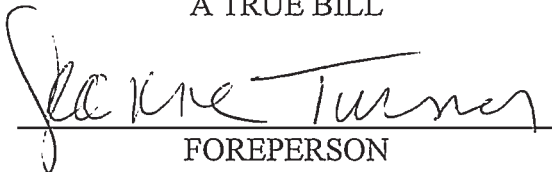
5. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

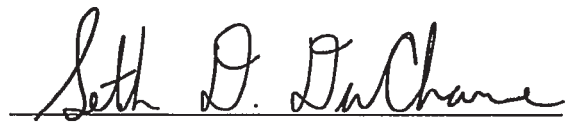
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property described in this forfeiture allegation.


(Title 18, United State Code, Sections 982(a)(1) and 982(b)(1); Title 21, United States Code, Section 853(p))

A TRUE BILL


FOREPERSON


SETH D. DuCHARME
ACTING UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK


DEBORAH L. CONNOR
CHIEF, MONEY LAUNDERING AND ASSET
RECOVERY SECTION
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE


DANIEL S. KAHN
ACTING CHIEF, FRAUD SECTION
CRIMINAL DIVISION
U.S. DEPARTMENT OF JUSTICE

F#: 2020R00016
FORM DBD-34
JUN. 85

No. _____

UNITED STATES DISTRICT COURT

EASTERN *District of* NEW YORK

CRIMINAL DIVISION

THE UNITED STATES OF AMERICA

vs.

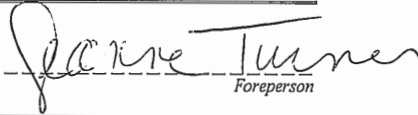
LUIS ENRIQUE MARTINELLI LINARES AND
RICARDO ALBERTO MARTINELLI LINARES,

Defendants.

INDICTMENT

(T. 18, U.S.C., §§ 928(a)(1), 928(b)(1), 1956(a)(1)(B)(i), 1956(h), 1957,
3238, 2 and 3551; T. 21, U.S.C. § 853(p))

A true bill.


Foreperson

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

Julia Nestor, Assistant U.S. Attorney (718) 254-6297